

AUG 10 2005

TRIAL MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS
For The Northern Mariana Islands
(Deputy Clerk)

CR-04-00038

August 10, 2005
1:30 p.m.

UNITED STATES OF AMERICA -v- ERIC JOHN TUDELA MAFNAS, et., al.

PRESENT: Hon. A. Wallace Tashima, Senior Circuit Judge
Sanae Shmull, Court Reporter
Michelle C. Macaranas, Courtroom Deputy
Timothy Moran, Assistant U. S. Attorney
Jamie Bowers, Assistant U.S. Attorney
Stephanie Flores, Attorney for Defendant Mafnas
Victorino Torres, Attorney for Defendant Mafnas
Perry Inos, Attorney for Defendant Patris
Eric John Tudela Mafnas, Defendant
Charley K. Patris, Defendant

PROCEEDINGS: JURY TRIAL - Day Seven

Government by Timothy Moran and Jamie Bowers, AUSAs. Attorney Stephanie Flores and Victorino Torres was present on behalf and with defendant, Eric John Tudela Mafnas. Attorney Perry Inos was present on behalf and with defendant, Charley K. Patris. Also present was Joe Auther, Special Agent FBI.

At 1:35 p.m. all jurors were present. Court resumed at 1:38 p.m.

DEFENSE CONTINUED WITH PATRIS' WITNESS: **CHARLEY PATRIS**. DX. Ref. to Ex. 5, 6, 7, 8, 5A & 6A. Ex. 3. Ex. 11. Ex. 5A. Attorney Flores did not have DX. *At 2:13 pm Government began CX*. Ex. 5, 6. Ex. 6B. Government offered Ex. 6B; no objections; Court so Ordered. Ex. 7. Ref. to the Quitugua case. Ex. 22A & 22D. Ref. to Frankie Mafnas. Ex.3. Ex. 5, 6, 7, 8.

At 3:00 pm Court admonished and excused the jury for a break. Court resumed at 3:20 pm.

GOVERNMENT CONTINUED WITH WITNESS: **CHARLEY PATRIS**. CX. Ex. 27. Ex. 25, 26. Ref. to David Diaz case. Ref. to Frankie Mafnas. *At 3:53 pm Attorney Inos began RDX*. Ex. 6B. At 3:56 pm. Government requested for a sidebar. At 3:58 pm Attorney Inos continued with witness Patris. *At 4:03 pm Attorney Flores began with RCX*. Ex.5, 6, 7 & 8. Ex. 25. Witness was excused.

Defense Patris rested their case at 4:14 p.m.

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At 4:15 pm. Government continued to rest their case.

At 4:16 p.m. Court admonished and excused the jury for the day and ordered them to return tomorrow, **August 11, 2005 at 9:00 a.m.**

At 4:17 pm Court took a break. Court resumed at 4:30 pm.

Court reviewed jury instructions with counsels. Attorney Torres argued regarding display of Johannes Taimanao's Grand Jury testimony transcript. Government objected to the fact that it is not an exhibit. Court overruled and allowed defense to use the display for closing argument but not to be given to the jury during deliberation. Court reviewed verdict forms with counsels. Jury instructions and verdict forms have been approved. Court took up the issue with the Indictment going in with the jury for deliberation. Government submitted to the Court a redacted copy of the Indictment. Counsels agree not to submit the Indictment to the jury. Court so Ordered. Attorney Inos on behalf of defendant Patris renewed his motion for acquittal. Attorney Flores joined the motion on behalf of defendant Mafnas. Court DENIED the motion as to both defendants. Government estimated 40 minutes for closing arguments. Attorney Flores needs 1.5 hour. Attorney Inos needs an hour for closing.

Adjourned 5:23 p.m.

A handwritten signature in black ink, appearing to read 'MCM', is written over the printed name of Michelle C. Macaranas.

Michelle C. Macaranas, Court Deputy